

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 05-10806-RCL

BOSTON AND MAINE CORPORATION and
SPRINGFIELD TERMINAL RAILWAY
COMPANY,

Plaintiffs

v.

TOWN OF WESTFORD, WESTFORD BOARD
OF HEALTH, DARREN R. MACCAUGHEY,
SANDY COLLINS, R.N., ZAC CATALDO,
TODD LOBO, TOM MAHANA, JOANNE
MARTEL, JOSEPH GUTHRIE, JR.,
MASSACHUSETTS DEPARTMENT OF
ENVIRONMENTAL PROTECTION and
ROBERT W. GOLLEDGE, JR.,

Defendants

**RULE 26(a)(1) DISCLOSURE BY PLAINTIFFS, BOSTON AND MAINE CORPORATION AND
SPRINGFIELD TERMINAL RAILWAY COMPANY**

Now come the Plaintiffs in the above-captioned matter, pursuant to Fed.R.Civ.P. 26(a)(1) and hereby disclose that the following individuals are likely to have discoverable information that the Plaintiffs may use to support their claims and that the following documents are in the possession, custody, and control of the plaintiffs and may be used thereby in support of their claims:

- A. **Rule 26(a)(1)(A)**: The Name and, if Known, the Address and Telephone Number of Each Individual Likely to Have Discoverable Information that the Plaintiffs May Use in Support of Their Claims:

1. David A. Fink
Executive Vice President
Boston and Maine Corporation
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

978/663-1186

Oversees all government affairs and serves as primary contact for government officials.

2. Sydney Culliford 978/663-9320
Vice President, Transportation
Boston and Maine Corporation
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

Oversees railroad operations system wide.

3. Larry L. Ferguson 978/663-9319
Director of Train Operations
Boston and Maine Corporation
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

Coordinates system wide train movements, oversees train dispatchers.

4. Warren Bostwick 978/663-1186
General Manager of Transportation
Boston and Maine Corporation
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

Oversees engineers and conductors, coordinates train crews and yard assignments.

5. Roger D. Bergeron 978/663-6918
Assistant Vice President, Engineering
Boston and Maine Corporation
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

Oversees maintenance of track and structures.

6. Michael Walsh 978/663-1150
General Manager, Locomotives
Boston and Maine Corporation
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

Oversees locomotive maintenance and repair.

B. **Rule 26(a)(1)(B)**: A Copy of, or a Description by Category and Location of, All Documents, Data Compilations, and Tangible Things That Are in the Possession, Custody, or Control of the Plaintiffs Which the Plaintiffs May Use to Support Their Claim:

1. Westford Board of Health Cease and Desist Letter identified as Certified Mail #7004 1160 0005 9443 6233;

C. **Rule 26(a)(1)(C)**: A Computation of any category of damages claimed by the disclosing party:

Not applicable at this time

D. **Rule 26(a)(1)(D)**: Any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered or to indemnify or reimburse for payments made to satisfy the judgment.

Not applicable.

Respectfully Submitted,

**BOSTON AND MAINE CORPORATION
SPRINGFIELD TERMINAL RAILWAY CO.**

/s/ Robert B. Culliford
Robert B. Culliford (BB0 #638468)
14 Aviation Avenue
Pease International Tradeport
Portsmouth, NH 03801
Tel: 603/766-2002

*Counsel for Plaintiffs
Boston and Maine Corporation
Springfield Terminal Railway Co.*

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing documents were served in hand on October 22, 2005 upon:

Nora J. Chorover, Esq.
Commonwealth of Massachusetts
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Jocelyn M. Sedney, Esq.
Brody, Hardoon, Perkins & Kesten, L.L.P.
One Exeter Plaza
Boston, MA 02116

Dated: October 24, 2005

/s/ Robert B. Culliford
Robert B. Culliford